

June 8, 2005

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, June 8, 2005, at 3:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

PABLO CUEVAS, Election District #1  
CHARLES W. AHREND, Election District #2  
DEE E. FLOYD, Election District #3  
WILLIAM B. KYGER, JR., Election District #4  
MICHAEL A. BREEDEN, Election District #5

Also present:

JOSEPH S. PAXTON, County Administrator  
G. CHRIS BROWN, County Attorney  
STEPHEN G. KING, Deputy County Administrator  
JAMES L. ALLMENDINGER, Director of Finance  
JERRY D. BAUSERMAN, Deputy Fire & Rescue Chief  
RHONDA G. HENDERSON, Director of Planning  
JENNIFER M. HOOVER, Director of Public Works  
KENNETH N. McNETT, Director of Court Services  
FRANKLIN P. O'BYRNE, Director of Information Systems  
STEPHEN R. RIDDLEBARGER, Director of Human Resources  
DIANA C. STULTZ, Zoning Administrator  
WILLIAM L. VAUGHN, Director of Community Development  
DOTTIE L. BOWEN, Deputy Clerk  
DONALD F. KOMARA, Resident Engineer  
Virginia Department of Transportation

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**CALL TO ORDER**  
**PLEDGE OF ALLEGIANCE**  
**INVOCATION.**

Chairman Cuevas called the meeting to order at 3:00 p.m.

Director of Finance Allmendinger led the Pledge of Allegiance and Supervisor Kyger gave the Invocation.

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**APPROVAL OF MINUTES.**

On motion by Supervisor Ahrend, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the minutes of the Regular Meeting held on May 25, 2005.

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**TRANSPORTATION DEPARTMENT.**

The Board heard Mr. Komara's report on the activities of the Transportation Department.

On motion by Supervisor Breeden, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board indicated its intent to participate in the Revenue Sharing Program for FY 2005-06, with the County to provide \$1,000,000 for this program, to be matched on a dollar-for-dollar basis from funds of the State of Virginia, for project 0644-082, from Route 33 to Route 646, improvement of existing two-lane hard surface roadway to a four-lane facility to handle present and future development.

The County is reserving \$591,580 from the Revenue Sharing Program for FY 2004-05 for project 0644-082-283,M501. Additionally, the County is reserving funds in the amount of \$30,000 for 0732-082-xxx,N101; \$45,000 for 1202-206-xxx,N501, and \$300,000 for the Route 11 Industrial Park; \$575,276 for project 0644-082-283,M501; 0331-Bluestone Drive \$127,000; and \$120,000 for 1208-206-249, N503 until the plan development process is closer to completion on these projects.

Supervisor Kyger reported that the grass was overgrown on Route 257 near the Mill Cabinet property.

In response to a question from Supervisor Ahrend concerning traffic light cameras, Mr. Komara advised that the cameras do sometimes malfunction.

Mr. Komara noted that he would investigate a concern reported by Supervisor Breeden for a resident who wanted to be sure he could enter and exit his driveway during work on the Route 340 bridge.

He agreed to look into the following concerns expressed by Supervisor Floyd: need for reduced speed limits through Lakeview Golf Course and by the swimming pool, need for a four-way stop sign at Massanetta Springs Road and Shen Lake Drive, and the need for fill-in of a depression on Massanetta Springs Road near the lake.

In response to a question from Chairman Cuevas, Mr. Komara said the Route 812 project was scheduled for next year and, although the right-of-way was cleared for the Route 789 project, the utilities still needed to be moved

and an environmental assessment completed. Chairman Cuevas suggested that in the future, when some action such as an environmental assessment triggers delays or changes in a project, the Board should be notified.

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#### **LITTER CONTROL PROGRAM.**

Mr. McNett reviewed a proposal to initiate a Litter Control Program (LCP) for the County to provide the Courts with the opportunity for local responsible offenders to reduce the amount of time served in the Rockingham County Jail and to enhance highways in the County through Court-ordered community service work to pick up litter along the roadside. He said it was anticipated that the Rockingham County Circuit Court, General District Court and Juvenile and Domestic Relations Court (adult offenders/defendants) would utilize LCP as a sentence alternative or enhancement. He noted that Judges will refer cases to the LCP, with a specific number of hours to work, in lieu of imposing a jail sentence or in lieu of a conviction. He stated that onsite supervision of offenders/defendants would be provided by a part-time, hourly wage Coordinator under the supervision of the Director of Court Services. He explained that the LCP would collaborate with the Virginia Department of Transportation under the "Adopt a Highway Program" and would clean litter from highways in the County. He pointed out the goal of the LCP is to provide approximately 12,480 hours of unpaid litter control annually and noted that, if an hourly compensation was paid at the minimum wage rate of \$5.15, the annual cost benefit would be \$62,272. He said the Program was designed to have a maximum capacity of 15 participants daily. He reported that the LCP Coordinator would be responsible for onsite supervision of defendants/offenders which would involve:

1. Intake and orientation
2. Transportation of offenders/defendants to and from the reporting place to the job site
3. Select worksites in coordination with the Virginia Department of Transportation
4. Supervise offender/defendants collecting trash
5. Document hours worked
6. Provide certification of completion or failure to complete to the Court

He told the Board that the LCP would operate eight hours per day, on Friday and Saturday from 8:00 a.m. to 4:30 p.m., with a 30-minute lunch break and explained that Sundays would be used as a backup day if weather was inclement on Friday or Saturday. He said the Coordinator would be expected to work from 7:30 a.m. to 5:00 p.m. to prepare for the work day and to provide documentation and van cleanup at the conclusion. He said the supervisor should possess the following minimum qualifications:

1. Ability to speak and read English and Spanish
2. Skills in multi-tasking
3. Valid Virginia operator's license

4. Safe driving record
5. Working knowledge of Microsoft Office (Word and Excel)
6. Good verbal and written communication skills
7. Available to work Friday and Saturday and some Sundays

He noted that each participant would be required to work 8 hour shifts, bring a bagged lunch and not be under the influence of drugs or alcohol. He said the Virginia Department of Transportation would provide vests, trash bags and required signage, and the LCP would provide a water jug, gloves, storage coolers for lunches, transportation and accident insurance to participants.

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the Litter Control Program as proposed, as a one-year pilot project, with the following budget and, further, approved the following job description.

## LITTER CONTROL PROGRAM - PROPOSED BUDGET

WAGES-1,040 hours at the rate of \$12-\$15 per hour, no benefits, administrative costs	\$17,756.00
FICA	\$1,194.00
WORKMAN'S COMPENSATION	\$350.00
ACCIDENT INSURANCE for 15 participants (Insured for maximum daily exposure)	\$240.00
TRANSPORTATION	
VAN        PURCHASE a 1991 Ford 15-P Van; 155,000 miles from CART	\$3,290.00
RENT a van \$65 a day; \$6,760 annually with max. 10,400 miles*	\$ -
GAS        PURCHASE at 9 miles/gal. @\$1.90 gal. for 10,400 miles	\$2,196.00
RENTAL-Same	\$ -
MAINT.     PURCHASE	\$2,000.00
RENTAL-None	\$ -
INSURANCE (Collision and Liability) PURCHASE	\$750.00
RENTAL-None	\$ -
VAN        Rental in case the purchased van is in the shop 8 days @\$65/day	\$520.00
ADVERTISING (Related to hiring)	\$300.00
SUPPLIES-Misc. (gloves, coolers, First Aid Kit, safety glasses, cleaning supplies, etc.)	\$2,500.00
Court Services will provide office supplies and computer at no cost	
VDOT will provide vests and trash bags at no cost	

**Annual Total**

**\$31,096.00**

\*This does not allow for inclement weather and if the rented van would be needed a third day, there would be an additional daily charge of \$65.

*Position No. N/A-6*

*6/01/05*

*FLSA Status: NE*

*Not Graded*

**Litter Control Program Coordinator**

*Supervisor: Director of Court Services*

**Primary Objective:**

Provides supervision and coordinates the Litter Control Program for Rockingham County.

**Essential Functions/Tasks:**

Provides on-site supervision of defendants/offenders assigned to the program through the judicial system. Intakes clients into the program and provides a brief orientation. Selects job sites in coordination with the Virginia Department of Transportation. Transports clients to and from the selected job sites and supervises the clients' collection of trash while at the job site. Keeps accurate records of hours of community service performed by the clients. Certifies the completion or failure to complete assigned service hours as directed by the Courts. Keeps assigned vehicle(s) clean and reports problems with the operation of the vehicle(s) Must work on Fridays, Saturdays, and possibly Sundays.

**Minimum Requirements:**

Able to speak and read English and Spanish. Must be able to multi task. Meet the County's vehicle operator policy requirements and have a valid Virginia Drivers license. Have a working knowledge of Microsoft Office (Word and Excel)

**Physical Requirements:**

This is operative work requiring the exertion of up to and exceeding 50 pounds of force occasionally and a negligible amount of force frequently or constantly to move objects. Regular required tasks include sitting; talking or hearing, in person, in meetings and by telephone; using hands to finger, handle, feel or operate standard office equipment; and reaching with hands and arms. The employee is frequently required to walk and stand; in addition, occasionally required climbing; stooping, kneeling, crouching, or crawling. Visual acuity is required for preparing and analyzing written or computer data, determining the accuracy and thoroughness of work, and observing general surroundings and activities.

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**SHERIFF'S REQUEST FOR ADDITIONAL JAIL STAFF.**

The Board heard a request from Sheriff Donald Farley for additional jail staff, eight new employees, to be included in the FY 05-06 budget. He noted that present staff does not conform to the State Department of Corrections formula of one corrections officer for every five inmates. Board members discussed the issue of state

mandates, such as this formula, for which the state does not provide funding. The Board took this request under advisement so that staff can provide additional information concerning sources of revenue and expenditures associated with this request.

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**COUNTY ADMINISTRATOR'S STAFF REPORT.**

The Board received and reviewed Mr. Paxton's staff report dated June 2, 2005, including information concerning an upcoming meeting with DEQ, the jail, the former Keezletown Elementary School property, and real estate matters.

Following up on the Board's request at the last meeting for a resolution concerning property tax issues under discussion by General Assembly members and candidates, on motion by Supervisor Kyger, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following Resolution No. 05-17.

*RESOLUTION NUMBER 05-17  
LOCAL REAL PROPERTY TAXING AUTHORITY*

WHEREAS, in 1926, then Governor Byrd exchanged the Commonwealth's right to impose a real estate tax for local government's agreement to give up the right to impose an income tax; and,

WHEREAS, the real estate tax is the primary source of local income, at an average of 48% of all local revenues collected statewide; and,

WHEREAS, as the principal source of income for local government, localities rely heavily on this source of income to meet federal and state mandates for services, especially education and public safety; and,

WHEREAS, two of the candidates in the 2005 election for Governor of the Commonwealth (former Attorney General Jerry Kilgore and Lt. Governor Tim Kaine) have stated as a high priority for their respective campaigns the imposition of an assessment or other limitations on the residential component of the real estate tax, which would severely restrict localities and would constitute a breach of trust from the agreement reached in 1926; and,

WHEREAS, the proposal from either candidate would weaken budget discipline, since support for services would not necessarily be linked to the responsibility to pay for them, and could potentially force a greater dependence on taxation of the business sector to support local services, thereby harming economic development in the Commonwealth; and,

WHEREAS, in 1997, in the campaign for Governor, then candidate James Gilmore used as the cornerstone for his campaign, the repeal of the personal property tax on non-business use motor vehicles, which is credited with his winning the office; and,

WHEREAS, the cost to the citizens was greatly underestimated, which has since led the General Assembly to place a cap on the state's commitment to make its payments to localities under this plan;

NOW, THEREFORE BE IT RESOLVED that the Rockingham County Board of Supervisors calls upon these two gubernatorial candidates, and upon all candidates for state and federal office, to refrain from establishing local tax policy at the state or federal level, due to the potential negative impact such action may have on the ability of local government to deliver local services; and,

FURTHER, should a candidate or legislator desire to impact tax policy as it relates to the real estate or other local tax, that the candidate or legislator use as the tool to address such policy tax credits or deductions to state or federal income taxes in lieu of enacting limitations on local taxing authority; and,

FURTHER, that it is imperative for local government to retain sole control over the decisions which determine equity of local taxation policy, if governing bodies are to effectively address local service needs.

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Board members asked that copies of the resolution be sent to candidates, local legislators, Virginia counties, the City of Harrisonburg, the seven towns within the County, the Virginia Association of Counties and the Virginia Municipal League.

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**DEPUTY COUNTY ADMINISTRATOR'S STAFF REPORT.**

The Board received and reviewed Mr. King's staff report dated June 3, 2005, including information concerning the Technological and Industrial Park and status of the stream repairs project.

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**PUBLIC WORKS DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Ms. Hoover's staff report dated June 3, 2005, including information concerning Countryside water system (awaiting final pay request for project close-out); Penn Laird Drive and Water Tower Road sewer (75 percent complete); Lakewood/Massanetta Springs pump station (pipeline work may be completed, less testing, by June 3); Spotswood High School water tank (final grading, fencing and overflow pipe remain) and waterline extension (awaiting final pay request for project close-out); McGaheysville WWTP (draft copy expected by week of June 6); Phase III expansion of the landfill (design and permitting phase), Grassy Creek Tank (work underway), and water production historical trends at Three Springs Water Filtration plant.

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**COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mr. Vaughn's staff report dated June 8, 2005, including information concerning Planning Commission activities, priority projects underway, building permit activity and impacts, tabled requests, and upcoming requests.

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**FIRE & RESCUE CHIEF'S STAFF REPORT.**

The Board received and reviewed Chief Symons' staff report dated May 31, 2005, including information concerning personnel, training, Prevention Division activities, public education, and requests for Board action on a SAFER grant and a National Weather Service bill. Under the SAFER grant, Deputy Chief Bauserman explained, the funding cap for each firefighter would be \$100,000. The community would be required to match the federal contribution in increasing amounts over a five-year period. That match will be 10%, 20%, 50%, and 70% in years one through four, respectively. The County would have to commit to retain that firefighter for a fifth year, at 100% of the cost. He noted that the Virginia General Assembly approved this budget to pay the 10% match for the first year for any locality in the Commonwealth that is approved for a SAFER Grant. Items that are ineligible for funding include overtime; administrative and indirect costs associated with hiring; training and equipment costs; uniforms; and physicals. However, the Department of Homeland Security will pay the salaries and benefits of firefighters hired under the SAFER grants while they are engaged in training. DHS will only fund full-time or job-share positions. He advised of the 2005 National Weather Service Duties Act's potential to severely curtail emergency managers' access to real-time emergency weather data. He stated that the bill, introduced by Senator Rick Santorum of Pennsylvania, would prevent the

National Oceanic and Atmospheric Administration and the National Weather Service from providing forecasts, watches, warnings and other important information to both public and private consumers at no cost. He pointed out that Senator Santorum introduced the bill in response to NOAA's December 2004 repeal of its longstanding non-competition policy, which has been in place since the late 1940s and noted that the emergency management community has raised objections to the bill with the concern that any hindrance in the ability of the emergency management community to obtain vital weather information will result in loss of life and property. He told the Board that the Virginia State Fire Chiefs Association and several other emergency management organizations throughout Virginia were strongly opposing this bill.

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board:

- Approved Chief Symons' request to apply for six full-time firefighter/EMS positions and one full-time Volunteer Coordinator's position under a federal SAFER grant program; and
- Agreed to join the Virginia State Fire Chiefs Association in opposing 2005 National Weather Service Duties Act.

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**INFORMATION SYSTEMS DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mr. O'Byrne's staff report dated June 1, 2005, including information concerning personnel, projects and equipment.

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**RECREATION & FACILITIES DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mr. Eberly's staff report dated June 1, 2005, including information concerning McGaheysville Elementary Baseball Field, District Courts Renovation, Court House boiler repair and recreation programs.

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**HUMAN RESOURCES DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mr. Riddlebarger's staff report dated June 8, 2005, including information concerning a new job description for Public Works Department personnel.

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the following job description.

*Position No. 23-6*

*6/8/05*

*FLSA Status: E*

*Grade 23*

**Manager, Treatment Operations**

*Supervisor: Director of Public Works*

**Primary Objective:**

Manages the County's Water and Wastewater production and treatment operations. Assists the Director of Public Works in overseeing and directing public works projects to ensure that the activities are in compliance with federal, state, and local policies and legal mandates.

**Essential Functions/Tasks:**

Directly supervise the Chief Waterworks operator and the Chief Wastewater Operator.

Manage and direct the use of equipment to provide quality drinking water to county customers.

Ensure compliance to all state and federal requirements and regulations pertaining to reporting, safety and health.

Prepare monthly operational summary reports.

Manage SCADA system and identify potential areas for improvement.

Establish and implement a cross-connection control program.

Maintain operational manuals for all facilities according to approved formats.

Evaluate water and sewer distribution system capacities, levels of service, and assist with the development of improvement plans.

Evaluate and assist with water and wastewater treatment plants to improve efficiencies and provide cost-effective service.

Communicate and coordinate activities with regulatory agencies regarding operational and compliance issues.

Prepare annual departmental operating budgets for Water and Wastewater operations.

Coordinate the purchase of equipment and repairs with vendors.

Review capital improvement plans and specification and assist Director with construction projects.

Develop and maintain an energy management program to provide cost effective operations.

Develop training programs for water and waste water operators.  
Determine the ability to provide County water and/or sewer service to a given parcel.  
Assist with inspection and contract administration for Public Works projects.  
Contribute significantly to the development of policies, plans, objectives and procedures by facilitating problem identification and resolution, developing short and long-range plans, keeping abreast of changes in the legal environment, and making recommendations to the Director of Public Works.

**Minimum Requirements:**

5 plus years experience in water and wastewater operations and supervision. Class II water and class III wastewater treatment license is preferred.  
BS degree in science, engineering or equivalent is preferred.  
Computer proficiency including Microsoft Office products.  
Good interpersonal skills  
Valid Virginia Driver's License

**Physical Requirements:**

This is operative work requiring the exertion of up to and exceeding 50 pounds of force occasionally and a negligible amount of force frequently or constantly to move objects. Regular required tasks include sitting; talking or hearing, in person, and by telephone; using hands to reach, handle, or operate standard office and maintenance equipment; and reaching with hands and arms. The employee is frequently required to walk and stand sometimes on uneven surfaces; in addition, occasionally required bending and kneeling. Visual acuity is required for determining the accuracy and thoroughness of work, and observing general surroundings and activities.

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**COMMUNITY SERVICES BOARD APPOINTMENTS.**

On motion by Supervisor Kyger, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board reappointed Annette Pierce and Nancy Shickel to the Harrisonburg-Rockingham Community Services Board for three-year terms expiring on June 30, 2008.

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**COMMITTEE REPORTS.**

The Board heard Committee Reports by Board members and staff.

On motion by Supervisor Breeden, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Finance Committee, the Board:

- Approved a supplemental appropriation of \$100,000 for the Central Garage due to the increase in gasoline prices and additional parts/supplies. These costs will be offset by supplemental revenue of the Central Garage.

Supplemental Appropriation:

\$88,000	GL Code: 001-01221-000-6008-000	Vehicle & Powered Equipment Fuel
\$12,000	GL Code: 001-01221-000-6009-000	Vehicle & Powered Equip Supplies
\$12,000	GL Code: 001-01619-1000	Garage Maintenance Charges
\$88,000	GL Code: 001-01619-1100	Garage Fuel Charges

Approved a supplemental appropriation of \$140,000 for the Sheriff due to an increase in Central Garage expenditures and personnel costs. These costs will be offset by donations, grants, reimbursement from the City of Harrisonburg, and the Fund Reserve.

Supplemental Appropriation:

\$34,000	GL Code: 001-03102-000-1100-000	Salaries & Wages-Fulltime
\$ 9,000	GL Code: 001-03102-000-1200-000	Overtime
\$ 6,000	GL Code: 001-03102-000-2201-000	Retirement - VRS
\$32,000	GL Code: 001-03102-000-4500-000	Central Garage
\$49,000	GL Code: 001-03102-110-1100-000	Salaries & Wages-Fulltime
\$ 6,000	GL Code: 001-03102-110-2201-000	Retirement - VRS
\$ 4,000	GL Code: 001-03102-100-6065-000	Minor Equipment
\$ 4,000	GL Code: 001-01899-0300	Gifts & Donations
\$54,000	GL Code: 001-02404-2700	Resource Officers Grant
\$41,000	GL Code: 001-01899-0600	Share of Costs - Hbg
\$41,000	GL Code: 001-05201-0100	Fund Reserve

- Approved a supplemental appropriation of \$25,000 for Extra Duty overtime by the Sheriff's Department. These costs will be offset by additional Extra Duty Fee revenue.

Supplemental Appropriation:

\$25,000	GL Code: 001-03105-000-1200-000	Overtime
\$25,000	GL Code: 001-01603-0300	Extra Duty Fees

- Approved a supplemental appropriation of \$15,000 for Inspection Services due to the additional payments to the State for the 1% surcharge for all building permits issued and higher fuel costs from the Central

Garage. These costs will be offset by additional building permit and inspection fee revenue.

Supplemental Appropriation:

\$ 6,000	GL Code: 001-03400-000-3800-000	Purchased Services Other Governments
\$ 9,000	GL Code: 001-03400-000-4500-000	Central Garage
\$15,000	GL Code: 001-01303-0800	Building Permit Fees

- Approved a supplemental appropriation of \$8,000 for Emergency Services due to higher maintenance service contracts and telecommunication costs. These costs will be absorbed by the Fund Reserve.

Supplemental Appropriation:

\$ 6,000	GL Code: 001-03505-000-3302-000	Maintenance Service Contracts
\$ 2,000	GL Code: 001-03505-000-5203-000	Telecommunications
\$ 8,000	GL Code: 001-05201-0100	Fund Reserve

Approved a supplemental appropriation of \$6,000 for General Property Maintenance due to higher fuel costs from the Central Garage and higher general liability insurance premiums. These costs will be absorbed by the Fund Reserve.

Supplemental Appropriation:

\$ 3,000	GL Code: 001-04302-000-4500-000	Central Garage
\$ 3,000	GL Code: 001-04302-000-5308-000	General Liability Insurance
\$ 6,000	GL Code: 001-05201-0100	Fund Reserve

- Approved a supplemental appropriation of \$24,000 for District Court Building Maintenance due to higher repairs & maintenance, heating services, and lease/rent parking. These costs will be absorbed by the Fund Reserve.

Supplemental Appropriation:

\$10,000	GL Code: 001-04310-000-3301-000	Repairs & Maintenance
\$12,000	GL Code: 001-04310-000-5102-000	Heating Services
\$ 2,000	GL Code: 001-04310-000-5403-000	Lease/Rent Parking
\$24,000	GL Code: 001-05201-0100	Fund Reserve

- Approved a supplemental appropriation of \$13,000 for the Sheriff's Building Maintenance due to higher heating services. These costs will be absorbed by the Fund Reserve.

Supplemental Appropriation:

\$13,000	GL Code: 001-04311-000-5102-000	Heating Services
\$13,000	GL Code: 001-05201-0100	Fund Reserve

Approved a supplemental appropriation of \$10,000 for Athletic and Recreation Programs due to the increased number of participants in programs and the related costs. These costs should be covered by recreation fees received.

Supplemental Appropriation:

\$ 5,000	GL Code: 001-07104-000-3107-000	Recreation Services
\$ 5,000	GL Code: 001-07104-000-6013-000	Recreation Supplies
\$10,000	GL Code: 001-01613-0100	Recreation Fees

- Approved a supplemental appropriation of \$5,000 for Transportation Planning. This represents the assessment from the Harrisonburg-Rockingham Metropolitan Planning Organization. These costs will be absorbed by the Fund Reserve.

Supplemental Appropriation:

\$ 5,000	GL Code: 001-08107-000-3109-000	Other Professional Services
\$ 5,000	GL Code: 001-05201-0100	Fund Reserve

Approved a supplemental appropriation of \$104,000 for Debt Services - Schools for the interim financing of the Elkton and Montevideo Middle Schools. These costs will be absorbed by the Fund Reserve.

Supplemental Appropriation:

\$ 104,000	GL Code: 001-67100-900-9203-000	Interest-Interim Financing
\$ 104,000	GL Code: 001-05201-0100	Fund Reserve

- Approved a supplemental appropriation of \$110,000 for the Asset Forfeiture Fund due to increased expenditures related to drug enforcement, gang prevention, and prosecution. Funding is available from additional State revenue and the Fund Reserve of the Asset Forfeiture Fund.

Supplemental Appropriation:

\$ 30,000	GL Code: 211-02201-000-6014-000	Other Operating Supplies
\$ 80,000	GL Code: 211-03507-000-6014-000	Other Operating Supplies
\$ 45,000	GL Code: 211-05201-0100	Fund Reserve
\$ 35,000	GL Code: 211-02407-0100	State Forfeiture Revenue - Sheriff
\$ 30,000	GL Code: 211-02407-0200	State Forfeiture Revenue - CA

- Approved a supplemental appropriation is of \$8,000 for the Central Stores Fund due to an increase in toner purchases. These costs will be offset by supplemental revenues of the Central Stores.

Supplemental Appropriation:

\$ 8,000	GL Code: 303-01222-000-6014-000	Computer Supplies
\$ 8,000	GL Code: 303-01619-0300	Office Supply Charges

Approved a transfer from the General Fund Reserve to fund a supplemental appropriation in the amount of \$50,000 for the Penn Laird Sewer Authority due to sewer line construction.

Supplemental Appropriation:

\$50,000 GL Code: 001-09301-000-9547-000 Transfer to Penn Laird Sewer Auth.  
 \$50,000 GL Code: 001-05201-0100 Fund Reserve

- As requested by the Director of Social Services, approved a supplemental appropriation of \$432,501 to complete services for FY 2004-2005 for the Comprehensive Services Act. This amount is divided \$283,508 state funding and \$148,993 local funding from the Fund Reserve.

Supplemental Appropriation:

\$432,501 GL Code: 220-05318-100-5714-000 CSA  
 Mandated/Residential/Private  
 \$283,508 GL Code: 220-02401-0200 Comprehensive Services Act  
 \$148,993 GL Code: 220-05101-2001 Transfer from General Fund  
 \$148,993 GL Code: 001-09301-000-9527-000 Transfer to Social Services District  
 \$148,993 GL Code: 001-05201-0100 Fund Reserve

- Due to the infeasibility of renovating the Keezletown Elementary School to accommodate the relocation of the school's administration staff, agreed to return the remaining balance of funds originally transferred to the School Capital Projects Fund from the County Capital Projects Fund. Of the \$950,000 transferred to the School Capital Projects Fund, \$809,761 remains unspent. The construction of the new School Administration Building is being paid from the County Capital Projects Fund.

(\$809,761) GL Code: 101-09401-000-8341-000 Future School Construction  
 (\$809,761) GL Code: 103-05101-2101 Transfer from Capital Projects Fund

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On motion by Supervisor Breeden, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Public Works Committee, the Board:

- Increased the water/sewer connection fees and monthly sewer charges as recommended by staff by amending the

*Rules and Regulations for Water and Sewer Service of Rockingham County, Virginia, as follows; and*

- Authorized advertising an increase in landfill tipping fee from \$32 per ton to \$35 per ton, effective September 1, 2005 (to be considered by the Board on June 28, 2005).

**AMENDMENTS TO RULES AND REGULATIONS FOR WATER AND SEWER SERVICE OF ROCKINGHAM COUNTY, VIRGINIA**

**SECTION IV - FEES AND CHARGES**

**WATER CONNECTION FEES**

Effective A. <u>Residential</u> <u>1/1/2006</u>	<u>Current</u>	
a. Single Family	<b>\$1,600</b>	<b>\$2,000</b>
Single Family (In subdivision where all lines and connections are placed by the developer and/or contractor)	<b>\$1,300</b>	<b>\$1,600</b>
b. Apartments, Trailer Courts and Multi-family Units		
(a) First Unit	<b>\$1,600</b>	<b>\$2,000</b>
(b) Next 24 Units (each)	<b>\$960</b>	<b>\$1,200</b>
(c) Over 25 Units (each)	<b>\$640</b>	<b>\$ 800</b>
<b>B. <u>Commercial and Industrial</u></b>		
a. Motels and Motor Courts, per unit	\$280	
In no case less than	<b>\$1,600</b>	<b>\$2,000</b>
b. Restaurants and/or Eating Establishments		
(a) 0 - 150 Seats, per seat	\$ 80	
(b) Over 150 Seats (calculated on Health Department Design Criteria)		
(c) In no case less than	\$1,600	
c. Basic Small Business or Industry (normal usage)	<b>\$1,600</b>	<b>\$2,000</b>
d. All other calculated on State Department of Health Waterworks Regulation Design Criteria. Connections based on State Department of Health Design Criteria shall be calculated on the number of equivalent multi-family units (divided by 400 gallons per unit) and the connection fee on Section A.2. above.		

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**2. SEWER CONNECTION FEES**

Effective A. <u>Residential</u> <u>1/1/2006</u>	Current	
a. Single Family	<b>\$2,400</b>	<b>\$3,000</b>

Single Family (In subdivision where all lines and connections except meters are placed by the developer and/or contractor)	<b>\$2,000</b>	<b>\$2,500</b>
b. Apartments, Trailer Courts and Multi-Family Units		
(a) First Units	\$2,400	<b>\$3,000</b>
(b) Next 24 Units (Each)	\$1,440	<b>\$1,800</b>
(c) Over 25 Units (Each)	\$ 960	<b>\$1,200</b>

**B. Commercial and Industrial**

a. Motels and Motor Courts, Per Unit	\$ 420	
<b>In no case less than</b>	<b>\$2,400</b>	<b>\$3,000</b>
b. Restaurants and/or Eating Establishments		
(a) 0 - 150 Seats, Per Seats	\$120	
(b) Over 150 Seats (Calculated on Health Department Design Criteria - attached)		
(c) In no case less than	\$2,400	
c. Basic Small Business (nominal usage)	\$2,400	<b>\$3,000</b>
d. All other calculated on State Health Department and State Water Control Board Sewerage Regulations Design Criteria for Flow, Demand and TypeWaste, February 1977 - attached)		
e. Industrial		

Special consideration shall be given new industrial waste dischargers. Essentially, consideration shall be based on population equivalent as to flow and waste characteristics. Exotic wastes shall be governed by Sewer Regulations adopted by the Authority.

Special consideration shall be given new industrial waste dischargers. Essentially, consideration shall be based on population equivalent as to flow and waste characteristics. Exotic wastes shall be governed by Sewer Regulations adopted by the Authority.

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**4. MONTHLY SEWER SERVICE CHARGES**

- A. Residential of all types shall be billed monthly at the rate of ~~\$ 2.66~~ **\$3.19** per 1,000 gallons of water consumption.
- B. Commercial and Industrial shall be billed monthly at rate of ~~\$ 2.66~~ **\$3.19** per 1,000 gallons of water consumption plus any surcharge for extra strength waste or testing which may be levied by the Harrisonburg-Rockingham Regional Sewer Authority.

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**8. DEPOSIT - WATER**

~~A deposit in the amount of \$20.00 shall be required for all new customers prior to August 1, 2002. On or after August 1, 2002, a~~ A deposit in the amount of \$30.00 shall be required **for owner occupied structures. Tenants will be required to pay a deposit of \$45.00.** The deposit will be retained by the County on a non-interest-bearing basis and will be refunded after a period of twelve consecutive months during which not more than one late payment has

been received. The deposit shall be applied to the final bill of the customer upon discontinuance or cessation of service.

9. DEPOSIT – SEWER

~~A deposit in the amount of \$15.00 shall be required for all new customers prior to August 1, 2002. On or after August 1, 2002, a~~ A deposit in the amount of \$20.00 shall be required **for owner occupied structures. Tenants will be required to pay a deposit of \$30.00.** The deposit will be retained by the County on a non-interest-bearing basis and will be refunded after a period of twelve consecutive months during which not more than one late payment has been received. The deposit shall be applied to the final bill of the customer upon discontinuance or cessation of service.

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**RECESS .**

At 5:04 p.m., Chairman Cuevas declared the meeting recessed in order to hold meetings of the Countryside Sanitary District and the Penn Laird Sanitary District.

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**CALL TO ORDER AND CLOSED MEETING.**

At 5:10 p.m., Chairman Cuevas called the meeting back to order.

On motion by Supervisor Kyger, seconded by Supervisor Breeden and carried by the following vote: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; and KYGER - AYE; the Board recessed the meeting from 5:10 p.m. to 7:00 p.m. for a closed meeting pursuant to Section 2.2-3711(3) *Virginia State Code*, Acquisition of Real Property for a Public Purpose; and Section 2.2-3711(A)7, Consultation with Legal Counsel.

At 7:00 p.m., Chairman Cuevas called the meeting back to order and the following motion was adopted.

MOTION: SUPERVISOR KYGER RESOLUTION NO: X05-05  
SECOND: SUPERVISOR BREEDEN MEETING DATE: JUNE 8, 2005

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Rockingham County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board of Supervisors that such Closed Meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies; and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed or considered by the Board of Supervisors.

VOTE:  
AYES: AHREND, BREEDEN, CUEVAS, FLOYD, KYGER  
NAYS: NONE  
ABSENT: NONE

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**PUBLIC HEARING - SPECIAL USE PERMIT REQUESTS.**

Chairman Cuevas announced withdrawal of S05-33, request of Warren Beery, 7539 Rushville Road, Dayton for an auction building for produce and hay auctions on property located on the west side of Rushville Road (Route 737) approximately 2/10 mile south of Hinton Road (Route 752) in Ashby Magisterial District, Election District #4, zoned A2. Tax Map #106-(A)-38.

At 7:00 p.m., Chairman Cuevas declared the meeting open for a public hearing on the following special use permit requests.

Ms. Stultz reviewed the staff recommendations for each application.

S05-31, request of Daniel S. Boutillier and Mike Lucci, 19583 Mt. Pleasant Road, Elkton, for two residences involving a division of land on property located on the west side of River Road (Route 635) approximately 7/10 mile north of Bethel Church Road (Route 636) in Stonewall Magisterial District, Election District #5, zoned A1. Tax Map #114-(A)-184B.

The applicant was present to answer questions.

No opposition was expressed.

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S05-32, request of Virginia Self Storage Partners Limited LC, 2463 Browns Gap Turnpike, Charlottesville, for mini storage on property located on the southwest side of Spotswood Trail (Route 33) approximately 500 feet northwest of Boyers Road (Route 704) in Central Magisterial District, Election District #3, zoned B1 conditional. Tax Map #109-(3)-4C.

Jo Higgins, representing the applicant, said nothing would be changed but the addition of buildings.

No opposition was expressed.

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S05-34, request of Ward Beery, 2826 W. Mosby Road, Harrisonburg for a second residence (for daughter who works on farm) on property located on the north side of West Mosby Road (Route 701) approximately 1/4 mile east of John Wayland Highway (Route 42) in Ashby Magisterial District, Election District #4, zoned A2. Tax Map #123-(A)-127.

The applicant was present to answer questions.

No opposition was expressed.

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**CALL TO ORDER.**

At 7:13 p.m., Chairman Cuevas called the meeting back to order and the following actions were taken.

Noting that the Boutillier and Lucci property had been a large farm that had been divided, on motion by Supervisor Breeden, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S05-31, request of Daniel S. Boutillier and Mike Lucci, 19583 Mt. Pleasant Road, Elkton, for two residences involving a division of land on property located on the west side of River Road (Route 635) approximately 7/10 mile north of Bethel Church Road (Route 636) in Stonewall Magisterial District, Election District #5, zoned A1. Tax Map #114-(A)-184B.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) Residences shall comply with the Uniform Statewide Building Code and proper permits shall be obtained.
- (3) VDOT reserves the right to require future entrance upgrades should conditions warrant.
- (4) This permit is contingent upon applicants obtaining sewage disposal system permits from the Health Department for both parcels. A copy of said permits shall be presented to the Community Development Department prior to deed exception approval.
- (5) If deed exception is made within one year from date of approval of the special use permit, the residences on the property shall be exempt from the one year completion date.

- (6) These residences shall not be used for rental purposes.
- (7) Depending on the location of the residence on the front parcel, elevation shots may be required to assure the residence is out of the 100-year floodplain.
- (8) The residences shall not be occupied until a certificate of occupancy is issued from the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

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Noting that the Virginia Self Storage would be a continuation of the present operation, on motion by Supervisor Floyd, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S05-32, request of Virginia Self Storage Partners Limited LC, 2463 Browns Gap Turnpike, Charlottesville for mini storage on property located on the southwest side of Spotswood Trail (Route 33) approximately 500 feet northwest of Boyers Road (Route 704) in Central Magisterial District, Election District #3, zoned B1 conditional. Tax Map #109-(3)-4C.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) Buildings shall comply with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained
- (3) If an entrance to this property is brought out onto Spotswood Trail, applicant shall obtain a permit from VDOT for the entrance.
- (4) VDOT reserves the right to require future entrance upgrades should conditions warrant.
- (5) Buildings shall not encroach on existing septic system as required by the Health Department.
- (6) This permit is contingent upon a site plan being submitted to and approved by the County. No permits shall be issued by the Department of Community Development and no work shall be done on the property until such time as a site plan is approved.
- (7) If one building is completed and in use within one (1) year of the date of approval (or subsequent extension), the other buildings shall be exempt from the one year completion date.
- (8) On-premise advertising sign shall comply with the Rockingham County Code, and a permit shall be obtained for any sign.
- (9) There shall be no off-premise signs allowed unless all County and VDOT requirements for outdoor advertising signs are met.
- (10) Off-street parking shall comply with the Rockingham County Code.
- (11) This business shall not begin operation until such time as a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

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On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S05-34, request of Ward Beery, 2826 W. Mosby Road, Harrisonburg for a second residence (for daughter who works on farm) on property located on the north side of West Mosby Road (Route 701) approximately 1/4 mile east of John Wayland Highway (Route 42) in Ashby Magisterial District, Election District #4, zoned A2. Tax Map #123-(A)-127.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) Residence shall comply with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.
- (3) VDOT reserves the right to require future entrance upgrades should conditions warrant.
- (4) This permit is contingent upon applicant obtaining a sewage disposal system permit from the Health Department. A copy of said permit shall be presented to the Community Development Department prior to deed exception approval.
- (5) This residence shall not be used for rental purposes.
- (6) Manufactured home shall be skirted and the tongue removed, unless included in the skirting, within sixty (60) days from final inspection.
- (7) This residence shall not be occupied until a certificate of occupancy is issued from the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

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At 7:15 p.m., Chairman Cuevas declared the meeting reopened for continuation of the public hearing on the following special use permit requests.

S05-35, request of Rockingham-Harrisonburg Emergency Communications Center, 101 North Main Street, Harrisonburg, for emergency communication tower system at nine locations in the County.

Ms. Stultz reviewed the particulars of the request.

Chairman Cuevas pointed out that neither the County nor City were under any obligation to go through the special use permit process or take any public input and he noted that either government could have selected the sites and put up the towers. He assured those present that the Board cared about their feelings regarding the radio system that was being paid for with taxpayer money and that it would be built for the citizens' use and well being. He observed that the public hearing would be held to provide a process for taking input from the general public to give the Board an opportunity to make as good a decision as possible in the interest of all the citizens of the County. He welcomed members of the

volunteer fire and rescue companies who were in the audience and thanked them for the many hours they volunteer in order to save the lives and property of their fellow citizens.

Mr. Paxton advised that Mr. James Junkins, Director of the Harrisonburg-Rockingham Communications Center, was at the Harrisonburg Planning Commission meeting, to discuss the sites that would be located in the City. He noted that preparation for the new radio system was a four- to five-year process where the needs of the community were studied. He pointed out that the Sheriff's deputies operate off one frequency, which is often down or overloaded, while the fire and rescue workers operate off another. He stated that the tower on Little North Mountain does not reach enough of the County for adequate pickup. He reviewed the locations of the proposed towers and then introduced Bob Forest, of CTA Communications.

Mr. Forest made the following statement.

"Over the period from January 2000 to April 2003, we interviewed a cross section of Public Safety people in Harrisonburg and Rockingham County About problems they had with their current Radio Communications. We identified 14 problem areas. The three most serious were:

1. Limited Coverage, Dead Spots, Limited Range
2. Lack of Interoperability
3. Equipment Performance Issues/Failures

"Of these, Coverage was considered the most serious with an Impact score of 4.6 out of 5, 5 being "severely affects operations", 4 being "usually affects operations," our recommendation was to implement a radio system with county-wide coverage. This would be tailored to the needs of the public safety personnel with coverage to the level necessary in the specific area of operations. For example, in the City of Harrisonburg, coverage is provided to portable radios carried inside substantial buildings. In the Mountains to the West and East, coverage is provided to officers outside buildings, and in between, coverage is provided to officers inside residential buildings. Lacey Spring is in the "residential area." In order to provide this coverage, it is essential that towers be located throughout the County and also essential that towers be located in the vicinity of where the coverage is needed. Also, this is a system design, and towers in one area affect the location of towers in another. In this design, Towers support each other. Public Safety

Towers are different from Cellular towers. Cellular towers are placed only where large concentrations of customers are located and our towers are placed to provide coverage where public safety people must go and this means everywhere in the County. Now, I would like to say something about the design of radio sites. First, radio sites are designed to provide security for the sites themselves. In rural areas, security means keeping people out. Security mostly means concerns about animals and hunters. In suburban areas, security means also protecting people. Physically, this means fences. Electronic sensing of unauthorized entry sites have fences with barbed wire on top. Towers typically have ladders that start 8 to 10 feet above ground to make it very difficult to get up on the tower. Second, towers are also "over designed." This is necessary for their operation. They must stand up to high winds with a lot of ice on them and keep from twisting and swaying so the antennas can operate properly. When they are designed to this level, it would take extraordinary conditions for one to fall. With very high winds, and substantial ice loading, it is unlikely during a winter hurricane, anyone would be outside and, if they were, the danger from a tower falling would be the least of their worries. There is much more danger from flying debris and power lines. Lightning is a serious threat to communications tower sites; an unprotected site will not last through even one serious storm. A tower is a lightning rod. A lightning stroke that would hit anywhere in the vicinity (1000 feet) will hit that tower instead. So the site and tower grounding system is extensive and deep underground. This takes the lightning stroke and conducts it down into the ground away from equipment and people. The tower offers a "Cone of Protection" out to 1000 feet or more where lightning is diverted to the tower. In this "Cone of Protection," you are actually safer with the tower there, than without. Now let me address radiation from the tower. The primary business of a radio antenna is to radiate radio energy and radio energy can be a hazard if it is strong enough. The antennas on this tower are nearly 200 feet above the ground. The antennas are directional. The energy is aimed toward the North and away from the school and track. The energy is

contained in a beam 7-1/2 degrees from top to bottom. With this pattern, the beam intersects the ground some 3,000 feet away to the north. The beam of energy is totally safe 100 feet away from the antenna. By the time it gets to 3,000 feet away, it is reduced to 11900<sup>th</sup> or one-tenth of one percent of the safe value. The beam is aimed toward the north, and away from the school. In the direction of the school, it is further reduced to 1/158th of its northern value. So, in the southern direction, the signal is reduced to less than one thousandth of one percent of the safe value. Radiation is not an issue."

Jason Burke, M/A-COM, explained that, in designing the system, in order to get the necessary coverage, the sites had to be distributed across the County. He pointed out that Lacey Spring was an area "lacking in sufficient in-building coverage." He said, with the planned system, there would be enough site distribution across the County to give uniform coverage. He noted that location was important because the sites worked together as a system, sharing the same resources, with one site placement depending upon the other. He advised that moving placement of one site would impact the whole system.

Joe Kanowski, Project Manager, said fire fighters and uniformed officers take their portable radios when they enter buildings and a lot of energy is required to penetrate buildings, which would be provided by the tower sites. He said the company had built hundreds of towers over the years and noted that these particular towers would be 200 feet or less which would be small compared to the 300 to 500 foot towers some communities have built. He stated that, in 27 years he had never heard of a self-supporting tower falling over. He said the electromagnetic field was more of a problem on top of buildings where one might be only 6 feet away from the antenna. He stated that, with the proposed towers, one would be at least 200 feet away vertically and from the top it would be 3,000 feet before the radiation gets to the ground. He pointed out that a local FM radio station puts out 50,000 watts while the tower sites would put out 150 watts.

1. Property located on Kaylor Hill, Ashby Magisterial District, Election District #4, zoned A2. Tax Map #124-(1)-1.

Dwight Shrader asked where he could see a map showing the coverage area of each tower and how they overlap. Chairman Cuevas explained that the distance of one tower from another had relationship to the capabilities of that tower to get the signal and there would be very little overlapping.

2. Property located on Little North Mountain, Linville Magisterial District, Election District #2, zoned A2. Tax Map #49-(A)-48.

Chuck Holtzner asked if the tower would be north of the present tower site, and Mr. Paxton answered that it would.

3. Property located on Sapling Ridge Road, Stonewall Magisterial District, Election District #5, zoned A2. Tax Map #131-(A)-61.

Mary Hutton asked to hold her remarks until she could see if some of her questions would be answered during the discussion.

4. Property located in the Dry River area south of Rawley Pike in Central Magisterial District, Election District #2, zoned A2. Tax Map #90-(A)-190B, 190A & 191.

Mr. Paxton pointed out that this site overlooks a residential area.

5. Property located east of the Bergton Fair Grounds in Plains Magisterial District, Election District #1, zoned A2. Tax Map #10-(A)-81.

Mr. Paxton noted that this site is on the hill overlooking the Bergton Fair Grounds, which is a residential area.

Cathleen Taylor said she was speaking for her mother, Mrs. Banberger, whose property adjoins the tower site. She said it was her understanding that there was going to be a request for a right-of-way across the property and her mother would not grant the request. She said the County had not properly maintained the area in the past, having cut trees and shrubbery and leaving it instead of removing it from the property. She noted also that her mother had not charged the County for anything because she had been told that the tower would be a free service to the citizens and now she learned that it would be charged to the community through a 911 service charge. She said her mother did not object to the tower being next to her property but she did not want the County going across her property.

Mr. Junkins, having arrived at the meeting, said he and Chief Symons had spoken to Ms. Banberger. He noted that she said she wanted no payment as long as it was being used for public safety. He said pictures of the site had been mailed to her in Colorado. He noted that it was explained to her the process for site preparation. He said one small tree was moved, and everything else was in an open field.

6. Property located in the Skidmore Fork area of Rawley Springs in Central Magisterial District,

Election District #2, zoned A2. Tax Map #58-(A)-1.

There were no comments about this site.

7. Property located on the west side of North Valley Pike in the Lacey Spring area in Linville Magisterial District, Election District #2, zoned A2. Tax Map #81-(A)-31A1.

Malcom Lane read a statement expressing concern about lack of information to the citizens, risk of radiation to the children attending Lacey Spring School, the tower not being part of the school's "mission," scenic beauty issues, and the setting of a precedent for using school properties for other uses.

Amy Baker said she worked at Lacey Spring School where her children were in attendance. She expressed concern about safety and increased cost for liability insurance.

Keith Strawderman said he was not opposed to the tower but wanted it put in another location.

Mike Nesselrodt, Vice President of the Lacey Spring PTA, said he supported the firefighters but he was concerned that the tower be moved to another location to assure the safety of the school children.

Chuck Holtzner asked that the tower be located somewhere else.

Thomas Ever suggested moving the tower to Mauzy.

Jody Lambert said there were many studies on the effects of radiation and she did not want the tower located on the school property.

In regard to the concerns about locating a tower near a school, Supervisor Kyger pointed out that a tower is presently located at John Wayland Elementary School in Bridgewater, very near Turner Ashby High School, and that it has been there since 1997.

Tammy Offenbecker-Koogler, teacher at Lacey Spring School, expressed concern about the safety of the tower and its appearance in "looming over" the community.

Phil Corbo said he would be willing to talk to the County about putting a tower on his property.

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8. Property located on the east side of Daphna Road near Round Hill in Plains Magisterial District,

Election District #1, zoned A2. Tax Map #52-(A)-137.

There were no comments concerning this site.

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9. Property located on top of the Massanutten Peak in Stonewall Magisterial District, Election District #5, zoned R4. Tax Map #127-(A)-28.

Ms. Hutton said her primary concern was the appearance of Massanutten Peak.

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At 9:00 p.m., Chairman Cuevas closed the public hearing and called the regular meeting back to order.

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On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved the special use permit for:

1. Property located on Kaylor Hill, Ashby Magisterial District, Election District #4, zoned A2. Tax Map #124-(1)-1

- (1) The use shall be located in accordance with plot plan as approved.
- (2) Facility shall be constructed in accordance with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.
- (3) VDOT reserves the right to require future entrance upgrades should conditions warrant.
- (4) Approval shall not constitute or imply support for or approval of, the location of additional telecommunication towers, antennas, etc., even if they may be a part of the same network or system as any antenna approved under this permit.
- (5) Should use of this facility be discontinued, applicant shall remove the tower from the property within ninety (90) days from date it is last used. If ownership of the tower changes hands, the owner at the time use is discontinued shall be responsible for its removal.
- (6) All State and Federal laws shall be met, and all reports required by the FAA or the FCC shall be obtained and presented to the Zoning Administrator.

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On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD -

AYE; KYGER - AYE; subject to the following conditions, the Board approved the special use permit for:

2. Property located on Little North Mountain, Linville Magisterial District, Election District #2, zoned A2. Tax Map #49-(A)-48.

- (1) The use shall be located in accordance with plot plan as approved.
- (2) Facility shall be constructed in accordance with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.
- (3) VDOT reserves the right to require future entrance upgrades should conditions warrant.
- (4) Approval shall not constitute or imply support for or approval of, the location of additional telecommunication towers, antennas, etc., even if they may be a part of the same network or system as any antenna approved under this permit.
- (5) Should use of this facility be discontinued, applicant shall remove the tower from the property within ninety (90) days from date it is last used. If ownership of the tower changes hands, the owner at the time use is discontinued shall be responsible for its removal.
- (6) All State and Federal laws shall be met, and all reports required by the FAA or the FCC shall be obtained and presented to the Zoning Administrator.

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On motion by Supervisor Breeden, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved the special use permit for:

3. Property located on Sapling Ridge Road, Stonewall Magisterial District, Election District #5, zoned A2. Tax Map #131-(A)-61.

- (1) The use shall be located in accordance with plot plan as approved.
- (2) Facility shall be constructed in accordance with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.
- (3) VDOT reserves the right to require future entrance upgrades should conditions warrant.
- (4) Approval shall not constitute or imply support for or approval of, the location of additional telecommunication towers, antennas, etc., even if they may be a part of the same network or system as any antenna approved under this permit.
- (5) Should use of this facility be discontinued, applicant shall remove the tower from the property within ninety (90) days from date it is last used. If ownership of the tower changes hands, the owner at the time use is discontinued shall be responsible for its removal.
- (6) All State and Federal laws shall be met, and all reports required by the FAA or the FCC shall be obtained and presented to the Zoning Administrator.

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On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as

follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved the special use permit for:

4. Property located in the Dry River area south of Rawley Pike in Central Magisterial District, Election District #2, zoned A2. Tax Map #90-(A)-190B, 190A & 191.

- (1) The use shall be located in accordance with plot plan as approved.
- (2) Facility shall be constructed in accordance with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.
- (3) VDOT reserves the right to require future entrance upgrades should conditions warrant.
- (4) Approval shall not constitute or imply support for or approval of, the location of additional telecommunication towers, antennas, etc., even if they may be a part of the same network or system as any antenna approved under this permit.
- (5) Should use of this facility be discontinued, applicant shall remove the tower from the property within ninety (90) days from date it is last used. If ownership of the tower changes hands, the owner at the time use is discontinued shall be responsible for its removal.
- (6) All State and Federal laws shall be met, and all reports required by the FAA or the FCC shall be obtained and presented to the Zoning Administrator.

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At the request of Chairman Cuevas, on motion by Supervisor Kyger, seconded by Supervisor Breedon and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved the special use permit for:

5. Property located east of the Bergton Fair Grounds in Plains Magisterial District, Election District #1, zoned A2. Tax Map #10-(A)-81.

- (1) The use shall be located in accordance with plot plan as approved.
- (2) Facility shall be constructed in accordance with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.
- (3) VDOT reserves the right to require future entrance upgrades should conditions warrant.
- (4) Approval shall not constitute or imply support for or approval of, the location of additional telecommunication towers, antennas, etc., even if they may be a part of the same network or system as any antenna approved under this permit.
- (5) Should use of this facility be discontinued, applicant shall remove the tower from the property within ninety (90) days from date it is last used. If ownership of the tower changes hands, the owner at the time use is discontinued shall be responsible for its removal.
- (6) All State and Federal laws shall be met, and all reports required by the FAA or the FCC shall be obtained and presented to the Zoning Administrator.

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On motion by Supervisor Ahrend, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved the special use permit for:

6. Property located in the Skidmore Fork area of Rawley Springs in Central Magisterial District, Election District #2, zoned A2. Tax Map #58-(A)-1.

- (1) The use shall be located in accordance with plot plan as approved.
- (2) Facility shall be constructed in accordance with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.
- (3) VDOT reserves the right to require future entrance upgrades should conditions warrant.
- (4) Approval shall not constitute or imply support for or approval of, the location of additional telecommunication towers, antennas, etc., even if they may be a part of the same network or system as any antenna approved under this permit.
- (5) Should use of this facility be discontinued, applicant shall remove the tower from the property within ninety (90) days from date it is last used. If ownership of the tower changes hands, the owner at the time use is discontinued shall be responsible for its removal.
- (6) All State and Federal laws shall be met, and all reports required by the FAA or the FCC shall be obtained and presented to the Zoning Administrator.
- (7) If required, elevation shots shall be obtained to determine flood elevation. Said elevation shots shall be presented to the Zoning Administrator prior to issuance of permits.

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Noting that the Board should look at alternative sites, on motion by Supervisor Ahrend, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board tabled consideration of the special use permit for:

7. Property located on the west side of North Valley Pike in the Lacey Spring area in Linville Magisterial District, Election District #2, zoned A2. Tax Map #81-(A)-31A1.

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On motion by Supervisor Floyd, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved the special use permit for:

8. Property located on the east side of Daphna Road near Round Hill in Plains Magisterial District, Election District #1, zoned A2. Tax Map #52-(A)-137.

- (1) The use shall be located in accordance with plot plan as approved.
- (2) Facility shall be constructed in accordance with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.
- (3) VDOT reserves the right to require future entrance upgrades should conditions warrant.
- (4) Approval shall not constitute or imply support for or approval of, the location of additional telecommunication towers, antennas, etc., even if they may be a part of the same network or system as any antenna approved under this permit.
- (5) Should use of this facility be discontinued, applicant shall remove the tower from the property within ninety (90) days from date it is last used. If ownership of the tower changes hands, the owner at the time use is discontinued shall be responsible for its removal.
- (6) All State and Federal laws shall be met, and all reports required by the FAA or the FCC shall be obtained and presented to the Zoning Administrator.

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On motion by Supervisor Breeden, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved the special use permit for:

9. Property located on top of the Massanutten Peak in Stonewall Magisterial District, Election District #5, zoned R4. Tax Map #127-(A)-28.

- (1) The use shall be located in accordance with plot plan as approved.
- (2) Facility shall be constructed in accordance with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.
- (3) VDOT reserves the right to require future entrance upgrades should conditions warrant.
- (4) Approval shall not constitute or imply support for or approval of, the location of additional telecommunication towers, antennas, etc., even if they may be a part of the same network or system as any antenna approved under this permit.
- (5) Should use of this facility be discontinued, applicant shall remove the tower from the property within ninety (90) days from date it is last used. If ownership of the tower changes hands, the owner at the time use is discontinued shall be responsible for its removal.
- (6) All State and Federal laws shall be met, and all reports required by the FAA or the FCC shall be obtained and presented to the Zoning Administrator.

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**PUBLIC HEARING - REZONING APPLICATION.**

At 9:15 p.m., Chairman Cuevas declared the meeting open for a public hearing on the following rezoning application.

Ms. Henderson reviewed the proposal, noting that the Planning Commission recommended approval.

RZ05-5, Associated Developers, 370-I Neff Ave., Harrisonburg, to rezone 104.58 acres from A2 (General Agricultural) to R3-C (General Residential with Conditions) on tax parcels 125 (A) 7 and 125 (A) 15B. The site is located on the south side of Port Republic Road (Route 253) immediately east of Stone Spring Road (Route 726) in Election District #3. The Comprehensive Plan designates this area as Agricultural Reserve. R3 allows 4.3 single family dwelling units per acre.

Todd Rhea, representing the applicant explained that the property fit the specific zoning criteria as set out in the Comprehensive Plan.

Walter Trobaugh said the plans had been worked out with VDOT. He said this would be a high quality development for the County and reviewed the proffers.

No opposition was expressed.

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At 9:40 p.m., Chairman Cuevas closed the public hearing and called the regular session back to order.

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Supervisor Floyd said the County had major subdivisions that are empty at the present, and he noted there were many lots available between Harrisonburg and Elkton that had never been built on. He noted that the staff had recommended denial. On motion by Supervisor Floyd, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board tabled RZ05-5, rezoning request of Associated Developers.

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**POWER LINES FOR INDUSTRIAL PARK.**

On motion by Supervisor Breeden, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the quote of Dominion Virginia Power and authorized the expenditure of up to \$54,000 for the relocation of overhead power lines through the Technological and Industrial Park in order to build the storm water retention facilities and roadway.

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**JULY BOARD MEETINGS.**

The Board discussed whether one of the meeting scheduled for July 2005 should be cancelled. No action was taken.

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**ADJOURNMENT.**

By consensus, the Board adjourned the meeting at 9:55 p.m.

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Chairman